

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 21-33 are presented for consideration. Claims 21, 27, 30 and 33 are independent. Claims 21, 27, 30 and 33 have been amended to clarify features of the invention. Support for these changes can be found in the original application, as filed. Therefore, no new matter has been added.

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action.

Claims 21-26 and 28-33 were rejected under various statutory bases as being unpatentable over U.S. Patent No. 5,969,800 to Makinouchi. Claim 27 was rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,523,843 to Yamane et al. Applicants submit that the cited does not teach many features of the present invention, as previously recited in claims 21-33. Therefore, these rejections are respectfully traversed. Nevertheless, Applicants submit that claims 21-33, as presented, amplify the distinctions between the present invention and the cited.

In one aspect of the invention, independent claim 21 recites a scan type exposure apparatus for transferring a pattern onto a substrate by scan exposure. The apparatus includes, among other features, an alignment scope for performing measurement for alignment of a substrate, at a position spaced, in a Y direction, from a position where exposure of the substrate is to be carried out. The alignment scope is disposed on a straight line parallel to a Y-axis and passing through the position for exposure of the substrate.

In another aspect of the invention, independent claim 30 recites a scanning exposure method for transferring a pattern onto a substrate by scan exposure. The method includes, among other features, selecting yaw measurement information of an X measuring device for an alignment operation including alignment measurement of a substrate to be carried out by using an alignment scope at a position spaced, in a Y direction, from a position where exposure of the substrate is to be performed. The alignment scope is disposed on a straight line parallel to a Y-axis and passing through the position for exposure of the substrate.

In still another aspect of the invention, independent claim 33 recites a device manufacturing method that includes, among other features, selecting yaw measurement information of an X measuring device for an alignment operation including alignment measurement of a substrate to be carried out by use of an alignment scope and at a position spaced, in an X direction, from a position where exposure of the substrate is to be performed. The alignment scope is disposed on a straight line parallel to an X-axis and passing through the position for exposure of the substrate.

Applicants submit that the Makinouchi patent does not teach or suggest such features of the present invention, as recited in independent claims 21, 30 and 33.

The Makinouchi patent shows an arrangement in which yaw information is measured by use of an X-direction interferometer and a Y-direction interferometer. Applicants submit, however, that the Makinouchi patent does not teach or suggest the salient features of Applicants' present invention as recited in independent claims 21, 30 and 33. Notably, that patent is silent

with respect to the specific arrangement of at least the alignment scope of the present invention recited in these claims.

In yet another aspect of the invention, independent claim 27 recites a scan type exposure apparatus for transferring a pattern onto a substrate by scan exposure. The apparatus includes, among other features, an alignment scope for performing measurement for alignment of the substrate, at a position spaced, in an X direction, from a position where exposure of the substrate is to be carried out. The alignment scope is disposed on a straight line parallel to an X-axis and passing through the position for exposure of the substrate.

Applicants submit that the Yamane et al. patent does not teach or suggest such features of the present invention, as recited in independent claim 27.

Specifically, Applicants submit that the Yamane et al. patent is silent with respect to a scan type exposure apparatus, which includes a specific placement of a yaw measurement axis in which an alignment scope is disposed on a straight line intersecting a scan direction, in the manner of the present invention recited in independent claim 27. Applicants further submit that if the measurement axis in the device in the Yamane et al. were switched in accordance with the stage driving direction, the overlay precision would be degraded seriously caused by this switching. Applicants submit, therefore, that such switching would destroy the fair teachings of the Yamane et al. patent. Accordingly, the Yamane et al. patent likewise does not teach or suggest the salient features of Applicants' present invention as recited in independent claim 27.

For the reasons noted above, Applicants submit that the present invention, as recited in independent claims 21, 27, 30 and 33, is patentably defined over the cited art.

Dependent claims 22-26, 28, 29, 31 and 32 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicants further submit that this Amendment After Final Rejection clearly places this application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 CFR 1.116.

Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

  
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Attorney for Applicants  
Steven E. Warner  
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
SEW/eab



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### Amendments in a Revised Format Now Permitted

*Office of Patent Legal Administration << Pre-OG Notices << << Amendments in a Revised Format Now Permitted*

The United States Patent and Trademark Office (USPTO or Office) is permitting applicants to submit amendments in a revised format as set forth herein. The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

The revised amendment format is an expansion of the special amendment process instituted for a prototype Electronic File Wrapper program described in USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"). The special amendment process (which was limited to claims) has proven overwhelmingly acceptable to applicants participating in the prototype and beneficial to examiners. The revised amendment format provides for amendments to be made to the specification and the drawings in addition to the claims.

Effective immediately, **all** applicants, including applicants participating in the prototype, may submit amendments using the revised amendment format set forth herein. Applicants may wish to submit all amendments in the revised amendment format because: (1) it will facilitate transition to a revised amendment format when it becomes mandatory, (2) inconsistent versions of claim amendments (clean and marked-up) will be avoided, and (3) time and resources will be saved.

#### WAIVER of 37 CFR 1.121

The provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments to the **claims, specification, and drawings** in all applications in all Technology Centers where the amendments comply with the revised amendment format detailed below. Note: The revised amendment format (and the waiver) does **not** apply to 37 CFR 1.121(h) and (i) which indicate that amendments to reissue applications and reexamination proceedings are governed by 37 CFR 1.173 for reissue applications and 37 CFR 1.530 (d)-(k) for *ex parte* and *inter partes* reexaminations.

In addition, the WAIVER indicated in the above mentioned Prototype Announcement for the limited (claims only) amendment process of that prototype is also expressly continued and amendments in applications (other than reissue applications) in all Technology Centers that comply with the requirements in that announcement will be acceptable.

#### REVISED AMENDMENT FORMAT

##### I. Begin Sections on Separate Sheets:

Each section of an amendment paper (e.g., Amendments to the Specification, Amendments to the Claims, Remarks) shall begin on a separate sheet to facilitate separate indexing and electronic scanning of the document.

*For example, each of the following four sections of an amendment paper must start on a separate sheet:*

- a.) Introductory Comments

- b.) Amendments to the Specification
- c.) Amendments to the Claims
- d.) Remarks

**II. Submit Only One Version (with markings) of an Amended Part:**

The requirement to provide two versions of a replacement paragraph, section, or claim (a clean version and a marked up version), as set forth in current 37 CFR 1.121, is waived where the format set forth below is followed.

**III. Amendments to the Claims****A. A Complete Listing of Claims is Always Required:**

If an amendment adds, changes or deletes any claim, a detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remains under examination in the application, must be presented, and the amendment to the claims is expressed in the listing. The listing shall be presented as follows:

**1. Ascending Order and Status Identifier Required**

The listing shall be provided in sequential ascending numerical order (beginning with claim 1). A status identifier shall be provided for every claim in a parenthetical expression following the claim number (e.g., "Claim 1. (original)"). A list of acceptable status identifiers is set forth in part B, below. The text of all claims under examination shall be submitted each time any claim is amended. Cancelled and withdrawn claims should be indicated by only the claim number and status. The text of cancelled or withdrawn claims should not be presented.

**2. Markings in Currently Amended Claims Required**

All claims *being currently amended* shall be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). No separate "clean" version should be submitted for currently amended claims, as this requirement has been eliminated. **Markings should only be made in claims being currently amended in an amendment paper.**

**3. Only Clean Text Required for Other Claims Under Examination.**

The text of pending claims *not being currently amended* that are under examination shall be presented in a clean version in the listing. Any claim presented in clean version constitutes an assertion that it has not been changed relative to the immediate prior version.

**4. Status to Effect Claim Cancellation or Addition.**

A claim may be cancelled by merely indicating the status of the claim as cancelled. Any new claim added by amendment must be indicated by the appropriate status identifier and shall not be underlined. Thus, added new claims of status (new), (reinstated - formerly claim #\_) and (re-presented - formerly dependent claim #\_) must be presented in clean version. Additional claims may be subject to additional fees, as appropriate.

**5. When Grouping of Claims is Permitted.**

Consecutive cancelled or withdrawn claims may be aggregated into one line of the listing (e.g. Claims 1 - 5 (cancelled)).

**6. Us "Currently Amended" Status Where Applicable.**

If any "previously reinstated" or "previously re-presented" claim is being amended, the status shall be indicated as "currently amended" with markings as indicated in paragraph A2, above. Multiple status identifiers should not be used for any single claim.

**B. Status Identifiers that May be Used:**

In order to promote uniformity and consistency, only the following eleven (11) defined status identifiers should be used to indicate the status of the claims (in parentheses after the claim number):

- |  |   |
|--|---|
| 1. (Original):                                     | Claim filed with the application following the specification (i.e., not added by preliminary amendment).    |
| 2. (Currently amended):                            | Claim being amended in the current amendment paper.   |
| 3. (Previously amended):                           | Claim not being currently amended, but which was amended in a previous amendment paper.                     |
| 4. (Cancelled):                                    | Claim cancelled or deleted from the application.  |
| 5. (Withdrawn):                                    | Claim still in the application, but in a non-elected status.  |
| 6. (Previously added):                             | Claim added in an earlier amendment paper.  |
| 7. (New):  | Claim being added in the current amendment paper.   |
| 8. (Reinstated - formerly claim # _):              | Claim deleted in an earlier amendment paper, but re-presented with a new claim number in current amendment. |
| 9. (Previously reinstated):                        | Claim deleted in an earlier amendment and reinstated in an earlier amendment paper.                         |
| 10. (Re-presented - formerly dependent claim # _): | Dependent claim re-presented in independent form in current amendment paper.                                |
| 11. (Previously re-presented):                     | Dependent claim re-presented in independent form in an earlier amendment, but not currently amended.        |

**C. Example of Listing of Claims:**

Claims 1-5 (cancelled)

Claim 6 (withdrawn)

Claim 7 (previously amended): A bucket with a handle.

Claim 8 (currently amended): A bucket with a ~~green~~ blue handle.

Claim 9 (withdrawn)

Claim 10 (original): A bucket with a wooden handle.

Claim 11 (cancelled)

Claim 12 (new): A bucket with plastic sides and bottom.

Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented - formerly claim 11): A black bucket with a wooden handle.

#### IV. Amendments to the Specification

Amendments to the specification are to be made by presenting replacement paragraphs, sections or a substitute specification marked up to show changes made relative to the immediate prior version, as set out in 37 CFR 1.121(b). The changes should be shown by strikethrough (for deleted matter) or underlining (for added matter). No accompanying "clean" version shall be supplied. The amendments to the specification shall be presented only one time, and will not appear in successive amendment documents.

#### V. Amendments to the Drawings

Amendments to the drawing figures shall be made by presenting replacement figures which include the desired changes, without markings, and which comply with § 1.84. The changes shall be explained in the accompanying remarks section of the amendment paper. If the amended drawings are not approved, the applicant will be notified in the next Office action. Any amended drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure number in the amended drawing should not be labeled as "amended."

For further information on the prototype image electronic processing of patent applications, please contact the Search and Information Resources Administration at:

[image.processing@uspto.gov](mailto:image.processing@uspto.gov). Any questions regarding the submission of amendments pursuant to the revised practice set forth in this notice should be directed to Elizabeth Dougherty ([Elizabeth.Dougherty@uspto.gov](mailto:Elizabeth.Dougherty@uspto.gov)), Gena Jones ([Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov)) or Joe Narcavage (<mailto:Joseph.Narcavage@uspto.gov>). For information on the waiver or legal aspects of the program, please contact Jay Lucas ([Jay.Lucas@uspto.gov](mailto:Jay.Lucas@uspto.gov)) or Rob Clarke ([Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov)).

Date: 1/31/03

Signed: /s/

STEPHEN KUNIN  
Deputy Commissioner for Patent  
Examination Policy